



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,551	09/10/2003	Patrick L. Kurzeja	60,130-1839; 03MRA0243	3098

26096 7590 12/02/2005
CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

BINDA, GREGORY JOHN

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,551	Applicant(s) KURZEJA, PATRICK L.	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-6,8-11 and 13-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3679

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. Claims 1, 3-6, 8-11 & 13-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. A written description of the limitations added to claims 1, 6 & 11 by the amendment filed August 5, 2005 does not appear in the application as originally filed, nor has applicant not pointed out where these limitations are supported.

Claim Rejections - 35 USC § 102

3. Claims 1, 3, 5, 6, 8, 10, 11, 13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schultenkamper, US 3,942,336.
 - a. Claims 1, 3 & 5. Fig. 3 shows a configurable driveshaft assembly comprising: a male component 1; a female component 2 in engagement with the male component, the female component comprising a tubular (see also co. 2, lines 41 & 42) configurable segment 5, 7 between a female yoke and a receptacle member 8, the length of the configurable segment is part of the desired overall length of the driveshaft assembly; and a seal 10 received at one end of the female component, and the male component 1 having a yoke and a stem 4 extending from the yoke into the female component, the seal 10

sealing an outer peripheral surface of the stem. Figs. 1 & 2 show the seal 10 is unsecured to the outer peripheral surface of the stem 4, and the male component 1 is movable within the receptacle member 8, with the stem 4 moving relative to the seal as the male component moves relative to the receptacle member.

b. Claims 6, 8 & 10. Fig. 1 shows a drivetrain assembly comprising: first axle (unnumbered); an interaxle driveshaft 1-10 connected to the first axle, the interaxle driveshaft comprising a tubular configurable segment 5, 7 between a female yoke 2 and a receptacle member 8, the length of the configurable segment is part of the desired overall length of the driveshaft assembly; a second axle (unnumbered) connected to the interaxle driveshaft; and a seal 10 received at one end of the receptacle member, and a male component 1 having a yoke and a stem 4 extending from the yoke into the receptacle member, the seal 10 sealing an outer peripheral surface of the stem. Figs. 1 & 2 show the seal 10 is unsecured to the outer peripheral surface of the stem 4, and the male component 1 is movable within the receptacle member 8, with the stem 4 moving relative to the seal as the male component moves relative to the receptacle member.

c. Claims 11, 13 & 15. Fig. 3 shows a drivetrain assembly comprising: a transmission (see col. 1, line 9); a forward driveshaft 1-10 connected to the transmission, the forward driveshaft comprising a tubular configurable segment 5, 7 between a female yoke 2 and a receptacle member 8, the length of the configurable segment is part of the desired overall length of the driveshaft assembly; an axle (unnumbered) connected to the forward driveshaft; and a seal 10 received at one end of the receptacle member, and a male component 1 having a yoke and a stem 4 extending from the yoke into the

receptacle member, the seal 10 sealing an outer peripheral surface of the stem. Figs. 1 & 2 show the seal 10 is unsecured to the outer peripheral surface of the stem 4, and the male component 1 is movable within the receptacle member 8, with the stem 4 moving relative to the seal as the male component moves relative to the receptacle member.

4. Claims 1, 3, 5, 6, 8, 10, 11, 13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaegashi et al, US 6,280,339 (Yaegashi). Fig. 4 shows a drivetrain assembly comprising all the limitations of the claims

Claim Rejections - 35 USC § 103

5. Claims 4, 9, 14 & 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Schultenkamper in view *Mechanical Engineering Design*. Schultenkamper discloses in col. 2, lines 42-49 (see also Fig. 1) that one end of the tubular configurable segment 5, 7 is welded to the outer peripheral surface of the female yoke 2 and the other end of the tubular configurable segment is welded to the outer peripheral surface of the receptacle member 8. Schultenkamper does not expressly disclose the ends of the tubular configurable segment are beveled.

Mechanical Engineering Design discloses in Fig. 9-6 that a typical weld connection like that disclosed in Mangas includes beveled edges. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the driveshaft assembly of Schultenkamper by beveling the ends of the configurable segment since such a modification is a well known means for providing a welded connection as disclosed in *Mechanical Engineering Design*.

Art Unit: 3679

6. Claims 4, 9, 14 & 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Yaegashi in view *Mechanical Engineering Design* for the same reasons noted immediately above.

Response to Arguments

7. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

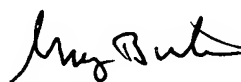
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3679

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679